

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT FOR TENNESSEE
NASHVILLE DIVISION

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Corey Taylor

JUL 07 2023

Case NO: 3:22-cv-00920

plaintiff

U.S. District Court
Middle District of TN

JUDGE: Campbell

v.

MAGISTRATE JUDGE: Newbern

TRINITY ~~GROUP~~ ^{SERVICES} GROUP et al.

Defendant

Motion of SUGGESTION - Opposition

IN FURTHER SUPPORT OF plaintiff objection

TO DEFENDANTS MOTION TO DISMISS

Now comes plaintiff Corey Taylor on his own behalf seeking this court to take such Judicial Notice to the Facts and The Support that is Given herein. Plaintiff seeks this court to grant this motion and to Rule in his favor And Deny Defendants motion to Dismiss. In support of his claims plaintiff states as follows: On May 12, 2022 he was seen by DCSC Jail medical providers for oral lesions that was associated with his later diagnosed condition which was confirmed by Lab Corps Test Results as plaintiff having oral lichen planus. During The above Date as mentioned plaintiff was placed on a Bland diet which was a medical order that was signed and approved by a Medical provider a RN and such order was given cause Acidic, Salty, spicy foods exacerbates The conditions plaintiff have and can cause plaintiff to suffer physical injuries Just has had been The Result when such Food products as described above has been consumed or have come in contact with plaintiff's mouth, which has happened Due to the Deliberate Reckless, careless Disregard and Indifference to Plaintiff medically ordered Diet. 1) Defendants has stated in there Motion to Dismiss That plaintiff fails to allege facts sufficient to support a claim for Deliberate Indifference to a serious medical need and 2) fails to allege an unconstitutional

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Policy on the Part of Trinity as required by Monell. Plaintiff Respectfully Objects TO
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cont'd

Defendants Motion and allegations as they have been asserted. (See Doc#5 pg4) of this court's Memorandum opinion. Plaintiff stated in complaint his medical diagnosis and due to such diagnosis medical required and ordered plaintiff to be placed on a "Bland Non spicy/spices Diet" and Defendants failed to adhere and to such orders which plaintiff was given on numerous occasions. Meals that consisted of spicy seasonings/products that plaintiff was restricted per medical to consume. Trinity Services Group was specifically aware that plaintiff's meals necessitated a special diet / bland diet for medical purposes whereas inferences can be drawn that failure to do so would place plaintiff in risk of serious harm / physical injury just as plaintiff did suffer. ("when the need for treatment is obvious, medical care which is so cursory as to amount to no treatment at all may amount to deliberate indifference") (quoting *Mandel v. Doe*, 888 F.2d 783, 789). The same as quoted above is in given case is very akin to the issue herein. Had Defendant's acted in accordance to plaintiff's medical orders pertaining to his diet this matter/action would be moot. "The complaint's allegations" must be enough to raise a right to relief above the speculative level." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). Plaintiff now turns to point 2 of Defendants motion to dismiss in that Defendants alleges plaintiff fails to allege an unconstitutional policy on the part of Trinity as required by Monell. "A systematic failure to train... adequately is a custom or policy which can lead to municipal liability." *Miller v. Sanilac Cnty.*, 606 F.3d 240, 255 (6th Cir. 2010) plaintiff raises an objection on such statement raised by defense. "plaintiff stated Trinity fails to adequately monitor the handling and care of his trays by making sure that the jail inmates are preparing the diet trays in accordance to the diet restrictions (see Doc#5 pg.5) This is similar / akin to a failure to train / supervise which however violates policy which the complaint states that plaintiff had an objectively serious medical need; Trinity was aware

Failure to provide that particular diet would pose a serious risk to plaintiff. Trinity acted in Reckless Deliberate Indifference towards plaintiff serious medical need even after being made aware that on numerous occasions plaintiff's Trays was contaminated with spicy products. After being alerted once or twice shall have been grounds for Trinity to take measures to abate the issue but as this court has seen Trinity did not do so cause plaintiff's meals were still provided unto him with spicy products despite his medical orders which his medical condition necessitated a Bland/Non Spicy Diet. Plaintiff believes it is the policy of Trinity that is enforced and governed by it's employer Metropolitan Government to adequately train, monitor and supervise it's employees along side a Dietician to ensure that medically restricted Trays are being prepared as ordered by medical. This is a speculation/assumption made by plaintiff but even if it's accurate Defendants however violated such policy due to plaintiff suffering physical injuries as given and due to Trinity failing to monitor, supervise and or train it's Jail inmates/employees. Plaintiff mentioned he was injured in result of Trinity's policies and employee's actions. The Eighth Amendment is akin to the Fourteenth Amendment in being that Deliberate Indifference is a standard described a state of mind more blameworthy than negligence, meaning the government "Trinity is state actors" official knows of and disregards an excessive risk to the health¹ safety of another "Mullinder v. Hudgins 421 F. Supp. 3d 549, 2019 WL 5310206. A claim of governmental liability requires a showing that the alleged misconduct is the result of a policy, statement, regulation, decision, or custom promulgated by a county or its agent." Monell 436 U.S. 658, 690-691. Plaintiff has successfully stated and shown it was a decision, custom "continued practice" and policy. Defendants 1) Failed to adequately supervise/monitor its employees. 2) As a custom "continued practice" plaintiff continued to receive meals contaminated with spices which shows a disregard for his serious medical needs. 3) After Defendants were made aware of the issue on more than one occasion it was the decision of Trinity

To continue to Show Such Deliberate Indifference and Disregard towards plaintiff's serious medical needs. It has been shown That Trinity Knew of Plaintiff medical restrictions which necessitated his meals to be bland and non spicy/no spices Added and Defendants disregarded the Substantial Risk of Serious harm to plaintiff's health or safety. *Starcher v. Corr Med Sys Inc* 7 Fed. Appx. 459, 2001 WL 345910. Plaintiff has suffered an Injury In fact, (see Doc 5) The connections were Due as a Result of Defendants Failure to adhere and follow Plaintiff's medical Tray order and plaintiff seeks that ~~a Jury~~ ^{a Jury} Find a Favorable decision that'll remedy his Suffered Injuries. Plaintiff Filed numerous complaints via DCSO Grievance System and Defendants failed to answer the complaints and failed to abate The matter after being notified the first and second time that Plaintiff Trays are labeled Bland Diet But contains Spices. Defendants Continued To act in deliberate Indifference after being notified by DCSO the first Two times and they "Defendants" still failed to abate the matter cause they continued to serve Plaintiff Food trays labeled Bland Diet / Non Spicy But The meals were In fact contaminated with spicy products/spices. Once Again Had Defendants acted In respects to plaintiff's serious medical needs which necessitated a Bland Diet This matter would be moot. Furthermore, had ~~plaint~~ ^{Defendants} abated the Issue one of the first two times such actions will be moot. However, Defendant's failed to abate such issues and Deliberately Continued to provide Plaintiff with ~~spice~~ ^{spices} Despite his serious medical needs. For the ~~plaintiffs~~ ^{plaintiff} Reasons discussed and Given plaintiff seeks that this court will Find in his Favor that he In fact Does state a Plausible Claim For relief and such dismissal at this Juncture shall be unwarranted cause had Defendants acted appropriately and reasonably as mentioned plaintiff would of had such Issues Resolved and this action would be moot.

WHEREFORE Plaintiff seeks that this matter be heard By a Jury of the Maximum number allowed and That he be awarded all Damages and all cost's & fees be afforded To Defendants

Certificate of Service

Respectfully Submitted
Corey Taylor

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I, Corey Taylor on 6/30/23 have Placed the foregoing in BCCX TDoc mail to be Delivered To 719 Church St Ws. Dist court Clerk For Filing and to be served upon all Parties via ECF System

COREY TAYLOR #534419
1045 Horsehead Rd
Rixeville, TN 37367

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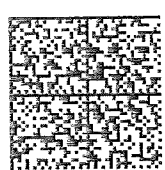
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